

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Stephen Lundy Singleton, #327326,)	C/A No. 4:09-524-JFA-TER
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Phillip E. Thompson, in his official and)	
individual capacities as Horry County, SC,)	
Sheriff,)	
)	
Defendant.)	

The *pro se* plaintiff, Stephen Singleton, brings this action pursuant to 42 U.S.C. § 1983. He alleges various constitutional violations by the defendant including denial of his rights to access the courts, to a fast and speedy trial, to assistance of counsel, to a jury trial, and to due process of liberty.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this action should be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. In addition, the

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).


Magistrate Judge has considered the Fourth Circuit's four-prong test² in determining his recommendation that the action should be dismissed. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on November 23, 2009. However, the plaintiff did not file any objections to the Report within the time limits prescribed. Additionally, the court's order advising the plaintiff of the importance of responding to the defendants' motion for summary judgment was returned to the Clerk marked "return to sender not deliverable as addressed unable to forward" and resent to another address listed by the plaintiff.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed for failure to prosecute under Rule 41(b) and all outstanding motions are deemed moot.

IT IS SO ORDERED.

December 16, 2009
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge

² See *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982).